

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	
)	CRIMINAL NO. 04-10060-RCL
GEORGE SCHUSSEL,)	
Defendant)	

**ASSENTED-TO MOTION TO EXTEND TIME FOR FILING OF
GOVERNMENT'S RESPONSE TO DEFENDANT'S REPLY BRIEF
AND OTHER PRE-TRIAL MOTIONS**

The United States of America, with the assent of the Defendant, hereby moves this Honorable Court to extend the filing date for the government's response to Defendant's reply brief and other pretrial motions from the presently scheduled date of February 11, 2005 to on or before March 4, 2005, for the reasons set forth below.

1. On January 18, 2005, Defendant filed an Overlong Reply Memorandum to the Government's Opposition to Defendant's Motion to Suppress Evidence on Claim of Privilege. Additionally, Defendant filed a series of pretrial motions seeking: (1) suppression of testimonial evidence of attorney witnesses on the basis of the attorney-client privilege; (2) dismissal of the indictment on statute of limitations grounds; (3) bill of particulars; and an (4) evidentiary hearing regarding the seizure of an email by a civilian witness.

2. In addition to rebutting numerous factual and legal positions the government asserted in its opposition, the Defendant raised additional new issues in the reply memorandum that the government needs to address in its response. The issues raised in these pretrial motions, primarily as they relate to the attorney-client privilege, work product privilege and the crime-fraud exception, are very complex and fact specific based. The government needs additional time than originally

anticipated in order to respond to the numerous legal issues the Defendant has raised.

3. Furthermore, Defendant's counsel is currently on trial in United States v. Nicholas Scangas (Cr. No. 03-10305-MLW) and it is expected that he will be on trial through the end of February and possibly through the first two weeks of March. As a result, defense counsel has sought a continuance from the February 22, 2005 date currently scheduled for hearings on the motion to suppress and other pre-trial motions, and it is now anticipated that the hearings will take place on April 5 - 7, 2005. The government submits that allowing it more time to adequately respond to Defendant's reply brief and other pre-trial motions will not cause any undue delay in these proceedings or prejudice to the defendant.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Carmen M. Ortiz
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